

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HAROLD KING, *on behalf of himself, FLSA*  
*Collective Plaintiffs, and the Class,*

Plaintiff,

-against-

FEDCAP REHABILITATION SERVICES,  
INC., et al.

Defendants.  
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<b>USDC SDNY</b> <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> <b>DOC #:</b> _____ <b>DATE FILED:</b> <u>2/19/2021</u>
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20-cv-1784 (VSB)

**ORDER**

VERNON S. BRODERICK, United States District Judge:

At the January 7, 2021 status conference in this case, the parties represented that they had engaged in settlement discussions. After that conference, I directed the parties to provide a joint update as to the status of settlement discussions on or before January 29, 2021, indicating that I would likely refer this case to the assigned Magistrate Judge for settlement purposes if no agreement was reached by that date. (Doc. 21.) In that status update filed on January 29, 2021, the parties represented that Defendants had made a counteroffer to Plaintiff's initial settlement offer and that the parties were "very close to reaching agreement for a settlement," and requested that I refrain from referring this case because "settlement . . . appears to be imminent." (Doc. 22.) At the parties' request, I adjourned Defendants' deadline to answer or otherwise to the complaint *sine die*, as the parties argued that such a deadline "would distract and detract from settlement discussions." (Doc. 23.) On February 16, 2021, Plaintiff filed a notice of voluntary dismissal without prejudice pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure. (Doc. 24.)

Parties may not privately settle FLSA claims with prejudice absent approval from the Department of Labor or the district court. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015). Accordingly, Plaintiff is directed to submit a letter by March 5, 2021 stating why he believes *Cheeks* is inapplicable here and why he does not need this Court's approval to dismiss the case.

SO ORDERED.

Dated: February 19, 2021  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, slightly stylized font. The first letter "V" is large and prominent, and the last letter "k" has a long, sweeping tail that extends to the right.

Vernon S. Broderick  
United States District Judge